	Application No.	Applicant(s)
Notice of Allowability	09/702,062	FLANAGAN ET AL.
	Examiner	Art Unit
	Susanna M. Diaz	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>Applicant's Responses filed June 4, 2003 and August 21, 2003</u>.

2. ☒ The allowed claim(s) is/are <u>2-98</u>.

3. ☒ The drawings filed on <u>30 October 2000</u> are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    (a) ☐ The translation of the foreign language provisional application has been received.

6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No. _____.

    (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

    (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☒ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☒ Information Disclosure Statements (PTO-1449), Paper No. <u>7,13</u>.

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No._____.

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

Susanna Diaz
Susanna Diaz
Primary Examiner
A.U. 3623

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Maureen Stretch (Reg. No. 29,447) on August 19, 2003.

The application has been amended as follows:

Claim 2 (renumbered as claim 1 for allowance), line 4, insert -- executing in a

processor and -- before "including"

Claim 18 (renumbered as claim 17 for allowance), line 5, insert -- executing in a

processor and -- before "including"

Claim 26 (renumbered as claim 25 for allowance), line 9, insert -- executing in a

processor and -- before "configured"

Claim 42 (renumbered as claim 41 for allowance), line 9, insert -- executing in a

processor and -- before "configured"

Claim 50 (renumbered as claim 49 for allowance), line 4, insert -- executing in a

processor and -- before "configured"

Claim 88 (renumbered as claim 87 for allowance), line 5, insert -- executing in a

processor -- before "for providing"

Claim 88 (renumbered as claim 87 for allowance), line 6, insert -- executing in a

processor -- before "for storing"

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Claim 88 (renumbered as claim 87 for allowance), line 7, insert -- executing in a

processor and -- before "communicating"

Claim 98 (renumbered as claim 97 for allowance), line 5, insert -- executing in a

processor and -- before "configured"

Terminal Disclaimer

2.   The terminal disclaimer filed on June 4, 2003 disclaiming the terminal portion of

any patent granted on this application which would extend beyond the expiration date of

U.S. Patent Nos. 6,338,050; 6,336,105; 6,332,135; and 6,141,653 and Application Nos.

09/702,049; 09/702,128; and 09/702,050 has been reviewed and is accepted. The

terminal disclaimer has been recorded.

Allowable Subject Matter

3.   Claims 2-98 are allowed.

4.   The following is an examiner's statement of reasons for allowance:

The present invention has been deemed allowable for its unique manner of

conducting negotiations between human users, including "**the analysis of terms**

comprising understanding the purpose of the terms, formatting the terms

according to the purpose, and placing them into user supplied context" and the

"automated negotiations engine further recognizing any changes in the terms and

storing in the storage space the terms each terminal proposes, and recognizing the

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terminal to which the proposed terms are being sent as the indicated terminal, and sending terms to the indicated terminal, **the automated negotiations engine indicating any changes in the terms** until a set of terms is acted upon in a final manner" (variations of these limitations are recited throughout independent claims 2, 10, 18, 22, 26, 34, 42, 46, 50, 69, 88, 93, and 98). The limitation "**the analysis of terms comprising understanding the purpose of the terms, formatting the terms according to the purpose**" has been interpreted to reflect the fact that when a user changes one of the negotiation terms, the negotiations engine does not just merely forward redline corrections, but it processes the change to decide to which category of terms the change correlates. This assertion is supported by Applicant's arguments found on pages 2-4 of Applicant's Response filed August 21, 2003. Furthermore, the recited term "analysis" is defined as the "separation of a whole into its component parts" (Merriam-Webster's Collegiate® Dictionary (10th Ed.)). Furthermore, "context" is defined as "the parts of a discourse that surround a word or passage and can throw light on its meaning." (Please see attachment to the present Office action.) Therefore, Applicant's intended interpretation of "analysis" and "context," as set forth in both the specification and Applicant's Response filed August 21, 2003, are clearly in line with the accepted definitions of each word. As such, the claimed invention recites a more intelligent negotiations engine that performs an analysis of negotiation terms that goes beyond mere redlining.

Silverman et al. (U.S. Patent No. 5,924,082) teach an interactive negotiations system between at least two human users, where the users may communicate with one

another through a structured dialog; however, they fail to anticipate or suggest a negotiations engine which itself can identify the types of changes being made. Silverman et al. maintain a transcript of the negotiations session, but its central computer system does not analyze the changes to classify them by their particular term categories.

Furthermore, regarding the limitation **"the automated negotiations engine indicating any changes in the terms,"** the Shirley et al. reference (U.S. Patent No. 5,692,206) has been cited to teach a contract generation system which allows for manual editing (e.g., redlining) of the document for customization purposes (Abstract). Unlike the Shirley et al. reference, the present invention obviates the need for manual editing, which can cause a messy presentation and be time-consuming, by implementing a negotiations engine which itself handles the recognition and indication of changes in terms to the negotiating parties.

Ordish (U.S. Patent No. 5,195,031) teaches a trading system for providing real time context sensitive trading messages based on conversation analysis; however, Ordish's invention only provides relevant prompts and alerts in response to inconsistencies in the trading conversation. Ordish does not disclose or suggest the claimed document recompilation based on the most updated terms of the contract being negotiated, including the analysis of terms which are then placed into a user supplied context.

The presently claimed invention is also deemed novel over Sloo (WO 97/04410) because Sloo merely performs a redlined mark-up of the submitted document changes.

Sloo does not disclose or suggest the claimed automated document recompilation based on the most updated terms of the contract being negotiated, including the analysis of terms which are then placed into a user supplied context.

Similarly, the TRADE'ex software (disclosed in the articles "TRADE'ex Unveils Marketmaker Software for Creating Online Marketplace," "TradeAccess Sponsors First U.S. Trade Mission Web Site for Department of Commerce," "Trade'ex Readies Java-based MarketMaker," "TRADE'ex Connects the UK," "TRADE'ex Introduces E-Commerce Software for Procurement, Distribution, Virtual E-Markets," "10 Who Dared to Be Different," "Pioneering Reseller Sites," and "TRADE'ex Develops Java Compliant Electronic Commerce Solution for Creating Wholesale Markets Over the Internet") does not disclose or suggest the claimed automated document recompilation based on the most updated terms of the contract being negotiated, including the analysis of terms which are then placed into a user supplied context.

Additionally, Applicant explains in the Response filed August 22, 2003 that Kennedy (U.S. Patent No. 6,055,519) simply stores data regarding a negotiation; however, no analysis (as defined by the Applicant) of the negotiation terms is performed.

Snelgrove et al. (US 2002/0058532) teaches the use of software agents to perform negotiations among themselves (¶¶ 56, 76, 78, 90); however, Snelgrove is silent as to whether the software agents analyze the negotiation terms *per se* or just perform mere redlining; therefore, Snelgrove too is deficient in the teaching of the

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analysis of negotiation terms and placing them into a user supplied context for presentation to a user.

Smiga et al. (U.S. Patent No. 6,029,171) teaches a method of parsing messages for purposes of collaborating among users. For example, Smiga can parse messages and identify related activities (col. 7, lines 14-20; col. 9, line 1 through col. 10, line 25). In another embodiment Smiga parses messages to negotiate a meeting date (Fig. 25B; col. 34, lines 27-58); however, Smiga's system merely presents a date change to the users while the negotiation participants are the ones who make a final decision regarding the date change. In other words, there is no analysis of negotiation terms and placing them into a user supplied context for presentation to a user, as defined by the Applicant.

Please note that all of the pending claims in the present case are indicated as allowable subject matter for the same reasons found throughout the parent applications (U.S. Patent Nos. 6,338,050; 6,336,105; 6,332,135; and 6,141,653).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-

1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Receptionist whose telephone number is (703)

308-1113.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 305-7687   [Official communications; including
                                    After Final communications labeled
                                    "Box AF"]

(703)746-7048   [Informal/Draft communications, labeled
                                    "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
August 22, 2003

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